

## Environmental Protection Agency

## § 91.903

service and age of the acquired test engine. Documentation of all maintenance and adjustments shall be maintained and retained as required by § 91.121.

(c) At least one valid emission test, according to the test procedure outlined in subpart E of this part, is required for each in-use engine.

(d) The Administrator may waive portions or requirements of the test procedure, if any, that are not necessary to determine in-use compliance.

(e) If a selected in-use engine fails to comply with any applicable emission standards, the manufacturer shall determine the reason for noncompliance. The manufacturer must report all such reasons of noncompliance within fifteen days of completion of testing.

### § 91.805 In-use test program reporting requirements.

(a) The manufacturer shall electronically submit to the Administrator within three (3) months of completion of testing all emission testing results generated from the in-use testing program. The following information must be reported for each test engine:

- (1) Engine family,
- (2) Model,
- (3) Engine serial number,
- (4) Date of manufacture,
- (5) Estimated hours of use,
- (6) Date and time of each test attempt,
- (7) Results (if any) of each test attempt,
- (8) Results of all emission testing,
- (9) Summary of all maintenance and/or adjustments performed,
- (10) Summary of all modifications and/or repairs,
- (11) Determinations of noncompliance.

(b) The manufacturer must electronically submit the results of its in-use testing with a pre-approved information heading. The Administrator may exempt manufacturers from this requirement upon written request with supporting justification.

(c) All testing reports and requests for approvals made under this subpart shall be addressed to: Manager, Engine Compliance Programs Group 6403-J, U.S. Environmental Protection Agen-

cy, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(d) The Administrator may approve and/or require modifications to a manufacturer's in-use testing programs.

### § 91.806 Voluntary emissions recall.

(a) Prior to an EPA ordered recall, the manufacturer may perform a voluntary emissions recall pursuant to regulations at § 91.904 of this part. Such manufacturer is subject to the reporting requirements at § 91.905 of this part.

(b) Once EPA determines that a substantial number of engines fail to conform with the requirements of section 213 of the Act or this part, the manufacturer will not have the option of a voluntary emissions recall.

## Subpart J—Emission-related Defect Reporting Requirements, Voluntary Emission Recall Program

### § 91.901 Applicability.

The requirements of this subpart J are applicable to all marine engines subject to the provisions of subpart A of this part 91. The requirement to report emission-related defects affecting a given class or category of engines remains applicable for five years from the end of the model year in which such engines were manufactured.

### § 91.902 Definitions.

The definitions in subpart A of this part apply to this subpart.

### § 91.903 Applicability to part 85, subpart T.

(a) Marine SI engines subject to provisions of subpart A of this part are subject to emission defect reporting requirements specified in 40 CFR Part 85, subpart T, except for the items set forth in this section.

(b) 40 CFR 85.1901 does not apply. See § 91.901.

(c) Reference to the Clean Air Act, 42 U.S.C. 1857 in 40 CFR 85.1902(a) does not apply. Reference to the Clean Air Act, 42 U.S.C. 7401 does apply.

(d) Reference to the "approved Application for Certification required by 40 CFR 86.077-22 and like provisions of Part 85 and Part 86 of Title 40 of the